(21)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

Single Bench: **Hon'ble Shri S.R. Nayak, CJ**

Writ Petition No. 6077 OF 2005

PETITIONERS

1. Ramavtar Yadav, S/o Shri Bhuku Yadav, aged about 48 years, R/o - Village - Kharora, In front of Nagar Panchayat, Thana - Kharora, District - Raipur, (C.G.)

2. Smt. Sundaria Bai, S/o Shri T.N. Verma, aged about - 50 years, R/o - Village Kharora, In front of Nagar Panchayat, Thana - Kharora, District - Raipur (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh, Through : Secretary, Town and Country Planning Department Mantralaya D.K.S. Bhawan, Raipur (C.G.)

2. Chief Municipal Officer, Nagar Panchayat, Kharora, District - Raipur (C.G.)

Present:

Mr.Y.C. Sharma, learned counsel for the petitioners.

Mr.Parag Kotecha, learned Panel Lawyer, for the State.

ORAL ORDER

(Passed on 1ST of December 2005)

Admittedly, the petitioners are the encroachers. The Chief Municipal Officer, Nagar Panchayat, Kharora, District Raipur, second respondent herein, has issued notice dated 18/11/2005 marked as Annexure-P/1 calling upon the petitioners to remove the encroachments made by them on the ground that the subject land is required by the Nagar Panchayat, Kharora for its own purposes. Since the petitioners are

admittedly encroachers of the land belonging to the second respondent, they can have no justification to question the legality of the impugned notice. However, it was contended by learned counsel for the petitioners that since the petitioners belong to down-trodden segments of the society, they are entitled to be provided alternative land in terms of Valmiki Ambedkar Awas Yojana. Even assuming that the petitioners are entitled to alternative land in terms of the Valmiki Ambedkar Awas Yojana, that circumstance itself would not entitle the petitioners to squat on the land of the second respondent - Nagar panchayat, Kharora, particularly when the said land is required by Nagar Panchayat for its own purposes, at the peril of public interest.

(2) In that view of the matter, the reliefs claimed in this writ petition cannot be granted to the petitioners. The writ petition is, therefore, dismissed. However, it is made clear that this order shall not come in the way of the petitioners in making applications under the Valmiki Ambedkar Awas Yojana for alternative site/land, if they are entitled in terms of Valmiki Ambedkar Awas Yojana. There is no order as to costs.

Sd/-
Chief Justice

Brajesh